IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.32 OF 2007
IN
NOTICE OF MOTION NO.14 OF 2007
IN
PETITION NO.80 OF 2007
IN
WILL NO.31 OF 2007

Radheshyam C. Shah ....Petitioner
V/s.
Suresh K. Salkade & Ors. ....Respondents

Mr.R.V. Bansode for the Petitioner.

CORAM : S.J. VAZIFDAR, J.
DATED : 30TH NOVEMBER, 2007.

P.C. :

1. The Petitioner has filed this Petition for probate of the Will. The Petitioner is the executor of the said Will. The Petitioner states that he has been dispossessed from part of the property of the deceased in which he is also a tenant. In respect thereof, the Petitioner has adopted independent proceedings in the Bombay City Civil Court. He now seeks an injunction restraining the Respondents from creating any third parties rights therein.

2. This right is not claimed as an executor. This is claimed by the Petitioner in his individual

capacity. The reliefs sought herein cannot therefore be granted. The Petitioner is always at liberty to make an appropriate application in this regard in appropriate proceedings including in the suit already filed by him.

3. With the aforesaid clarifications, the Notice of Motion is dismissed.